

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF IOWA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	Civil No. 3:19-cv-00015
	)	
v.	)	
	)	
2014 BMW M6 GRAN COUPE,	)	
VIN: WBS6C9C56ED467073,	)	
	)	
Defendant.	)	

**VERIFIED COMPLAINT *IN REM***

Plaintiff, the United States of America, brings this complaint and alleges as follows in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure.

**NATURE OF THE ACTION**

1. This is an action to forfeit property to the United States pursuant to 18 U.S.C. § 981(a)(1)(c), as property, real or personal, which constitutes or is derived from proceeds traceable to a violation of any offense constituting a “specified unlawful activity” under 18 U.S.C. §§ 1956(c)(7)(A), 1961(1), and 1341.

**DEFENDANT *IN REM***

2. The United States seeks to forfeit the following Defendant Property, specifically a 2014 BMW M6 Gran Coupe, Vehicle Identification Number: WBS6C9C56ED467073.

**JURISDICTION AND VENUE**

3. This Court has jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345 and over an action for forfeiture under 28 U.S.C. § 1355(a).

4. This Court has *in rem* jurisdiction over the Defendant Property under 28 U.S.C. § 1355(b) and § 1395(b) because the acts or omission giving rise to the forfeiture occurred in this

district and because the Defendant Property was seized from and located in this district. The Defendant Property is in the possession of the Department of Treasury, Internal Revenue Service, Criminal Investigation.

### **BASIS FOR FORFEITURE**

5. The Defendant Property is forfeitable as personal property traceable to proceeds of a mail fraud, pursuant to 18 U.S.C. §§ 981(a)(1)(c), 1956(c)(7)(A), 1961(1), and 1341.

### **FACTS**

6. Soo Hyun Jung, also known as Jay Jung, at times relevant times to the matters herein, resided in the Iowa City, Iowa or Coralville, Iowa area, since approximately 1994.

7. Jung was awarded a bachelor's degree in business administration by the University of Iowa in 1998.

8. Jung was awarded a juris doctorate degree by the University of Iowa in 2002.

9. Jung was, at times relevant to the matters herein, licensed to practice law in Iowa, and had special training in legal accounting.

10. From approximately 2002 until 2017, Jung was employed as an attorney in Iowa City, Iowa, as a taxation and estate planning attorney.

11. On or about November 7, 2014, Jung was engaged in an attorney/client relationship with Client # 1 and caused Client # 1 to sign a power of attorney.

12. This power of attorney listed Jung as Client # 1's representative for tax years 1996-2016.

13. The power of attorney did not authorize Jung to sign returns on Client # 1's behalf and specifically prohibited Jung from endorsing or otherwise negotiating any checks issued to Client # 1 by the United States government in respect to federal tax liability.

14. On or about November 14, 2014, Client # 1 signed an agreement to have Jung assemble his tax data, summarize his income tax expenses, and prepare necessary federal tax returns for 2002-2013.

15. On or about December 15, 2014, on behalf of Client # 1, Jung filed with the Internal Revenue Service (IRS) office in Davenport, Iowa, federal tax returns for 2002, 2003, 2004, and 2005.

16. Each of these returns were filed with Client # 1's knowledge, signature and correct Illinois home address, were prepared by Jung, and requested a tax refund.

17. On or about July 25, 2015, Jung contacted the IRS to check on the status of Client # 1's 2002-2005 tax refunds.

18. Jung was advised that the 2002-2005 refunds were being held until current taxes were filed by Client # 1.

19. During this contact, Jung changed, or "updated" Client # 1's home address on file with the IRS to a business address associated with Jung in Coralville, Iowa.

20. On or about August 22, 2015, a 2011 Form 1040 Federal Tax Return was filed on behalf of Client # 1 and purported to be signed by Client # 1.

21. This tax return requested a refund of \$3,593 and listed Client # 1's address as the Coralville, Iowa address associated with Jung.

22. This 2011 tax return was mailed from Davenport, Iowa, to the IRS office in Fresno, California.

23. Client # 1 later reviewed this return, and advised the return was filed without his knowledge and consent, the information contained therein was not accurate, and the signature was not his true signature.

24. Jung filed the false 2011 Form 1040 Federal Tax Return without the knowledge and consent of Client # 1, and forged Client # 1's signature on it.

25. Jung knew that by changing Client # 1's address with the IRS, future correspondence and refund checks for Client # 1 would be mailed to Jung's Coralville office address.

26. On August 22, 2015, a 2012 Form 1040 Federal Tax Return, a 2013 Form 1040 Federal Tax Return, and a 2014 Form 1040 Federal Tax return were electronically filed on behalf of Client # 1 from the Southern District of Iowa.

27. All three Form 1040 tax returns listed Client # 1's address as Jung's Coralville office address.

28. The 2012 Form 1040 tax return requested a refund of \$2,220.

29. The 2013 Form 1040 tax return requested a refund of \$15,252.

30. The 2014 Form 1040 tax return requested a refund of \$2,322.

31. All three of these returns were electronically submitted by Jung without the consent of Client # 1.

32. The Form 1040 Federal Tax returns filed by Jung on behalf of Client # 1 for 2012, 2013, and 2014 were not accurate and falsely claimed a refund from the United States Department of Treasury.

33. Jung knew these claims were false, and that the false information contained in each of these tax returns was material to the United States Department of Treasury.

34. On or about October 2, 2015, the United States Treasury issued tax refund checks payable to Client # 1 in the amounts of \$32,297.52 (2003 tax year) and \$169,882.07 (2004 tax year) and mailed these checks to Jung's office address in Coralville, Iowa.

35. These checks were deposited in the trust account of the law firm where Jung worked.

36. The total deposit was \$202,179.59. Jung forged Client # 1's endorsement on these checks.

37. On or about October 9, 2015, the United States Treasury issued a tax refund check payable to Client # 1 in the amount of \$49,706.81 (2002 tax year) and mailed it to Jung's office address in Coralville, Iowa.

38. This check was deposited in the trust account of the law firm where Jung worked.

39. Jung forged Client # 1's endorsement on this check.

40. On or about October 16, 2015, Jung caused a check in the amount of \$236,886.40 to issue from the law firm trust account, payable to Wells Fargo Bank, to purchase a cashier's check in the same amount payable to Client # 1 and himself.

41. On or about October 19, 2015, this cashier's check was deposited in Jung's personal checking account ending in 6815 at Wells Fargo Bank.

42. Wells Fargo Bank is a "financial institution" under federal law.

43. The \$236,886.40 deposited in his Wells Fargo bank account ending in 6815 was property criminally derived from Jung's mail fraud scheme.

44. On or about October 20, 2015, Jung caused the electronic transfer of \$200,000 from his personal checking account to his personal savings account at Wells Fargo Bank.

45. The \$200,000 transferred between Jung's Wells Fargo personal checking account, ending in 6815, and his Wells Fargo personal savings account, ending in 0788, was property criminally derived from his mail fraud scheme.

46. On or about November 27, 2015, Jung caused the withdrawal of \$83,200 from his personal bank account at Wells Fargo Bank and these funds were used to purchase a Wells Fargo cashier's check in the same amount payable to "FSRI."

47. FSRI is a business entity involved in the financing for BMW Financial.

48. The \$83,200 from Jung's personal Wells Fargo savings account ending in 0788 was property criminally derived from his mail fraud scheme.

49. On or about December 1, 2015, Jung caused this cashier's check to be mailed to BMW Financial to pay off a lien on a 2014 BMW M6 Gran Coupe, vehicle identification number xxxxxxxxxxxx467073, causing title to this vehicle to be transferred to Jung.

50. The following acts by Jung were part of his scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, using the Postal Service or other private or commercial mail carrier.

51. On July 17, 2018, Jung was charged in the U.S. District Court for the Southern District of Iowa with two counts of mail fraud and one count of making a false claim to a government agency.

52. On July 30, 2018, Jung pled guilty to the charges in an Information, and consented in his plea agreement to forfeit the Defendant Property, including executing any necessary documents.


53. This civil forfeiture is a legal mechanism to effectuate the forfeiture to which Jung agreed.

**CLAIM FOR RELIEF**

For the reasons set forth above, the Defendant Property should be forfeited to the United States as property that was purchased with proceeds of a mail fraud scheme, in violation of 18 U.S.C. § 1341.

Respectfully submitted,

Marc Krickbaum  
United States Attorney

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### VERIFICATION

I, Michael E. Thole, state that I am a Special Agent with Department of Internal Service, Criminal Investigation, I have read the foregoing Verified Complaint *In Rem* and know its contents, and that the matters contained in the Verified Complaint are true and correct to the best of my knowledge.

The sources of my knowledge and information and the grounds of my belief are the official files and records of the United States, and information supplied to me by other law enforcement officers, as well as my investigation of this case, together with others, as an IRS Special Agent.

I hereby verify and declare under penalty of perjury that the foregoing is true and correct.

Dated: February 4, 2019.



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Special Agent, Michael E. Thole  
Department of Revenue, Criminal Investigations